

Request for Proposals - 2023 MWBE Disparity Study - Addendum # 1 - Questions & Answers

Release Date: April 20, 2022

The following is a list of responses to questions submitted by prospective respondents ("Respondents") to the Request for Proposals - 2023 MWBE Disparity Study

Addendum # 1 - Responses to Questions

No.	Question	Answer
1	<p>For the prime contract data does ESD maintain, please note whether these data include the following information for all, some, or none of the contracts. Please answer separately for each industry to be included in the study; also note whether the data are available electronically or as hard copy.</p> <ul style="list-style-type: none"> • Firm name. • Firm address, city, state, zip code. • Firm phone number. • Firm email address. • Firm contact person. • Firm owner race and gender. • Prime contract number. • Prime contract title. • Start date of contract. • End date of contract. • Award amount. • Amount paid (total or to date). • Type of work performed. • Industry category code, such as NAICS or NIGP. 	<p>For the prime contract data maintained, the following information is included:</p> <ul style="list-style-type: none"> • Firm name. • Firm address, city, state, zip code. • Firm phone number. • Firm email address. • Firm contact person. • Prime contract number. • Prime contract title. • Start date of contract. • End date of contract. • Award amount. • Amount paid (total per fiscal year and to date). • Type of work performed. • Industry category code, such as NAICS or NIGP. <p>For the prime contract data, the following may not be available if the contractor is not a NYS certified MWBE:</p> <ul style="list-style-type: none"> • Firm owner race and gender. <p>The above is the same for all industries included in the study. Data is available electronically and may be available as a hard copy upon request.</p>
2	<p>For the subcontract data does ESD maintains, please note whether these data include the following information for all, some, or none of the contracts. Please answer separately for each industry to be included in the study; also note whether the data are available electronically or as hard copy.</p> <ul style="list-style-type: none"> • Firm name. • Firm address, city, state, zip code. • Firm phone number. 	<p>For the subcontract data maintained, the following information is included:</p> <ul style="list-style-type: none"> • Firm name. • Firm address, city, state, zip code. • Firm phone number. • Firm email address. • Firm contact person. • Prime contract number. • Prime contract title. • Start date of contract. • End date of contract.

	<ul style="list-style-type: none"> • Firm email address. • Firm contact person. • Firm owner race and gender. • Prime contract number. • Prime contract title. • Start date of contract. • End date of contract. • Award amount. • Amount paid (total or to date). • Type of work performed. • Industry category code, such as NAICS or NIGP. 	<ul style="list-style-type: none"> • Award amount. • Amount paid (total per fiscal year and to date). • Type of work performed. • Industry category code, such as NAICS or NIGP. <p>For the subcontract data, the following may not be available if the contractor is not a NYS certified MWBE:</p> <ul style="list-style-type: none"> • Firm owner race and gender. <p>The above is the same for all industries included in the study. Data is available electronically and may be available as a hard copy upon request.</p>
3	What is the amount budgeted for the study?	Budget will be based on project plan, innovative approach and legally defensible methodology.
4	With respect to Section IV, Item A-Data Collection, when does ESD anticipate the receipt of the personal net worth and workforce diversity study and data will be available for Selected Respondents?	The data is expected to be available by August 2022.
5	Concerning Section IV, Item A-Data Collection, in terms of 2016 Disparity Study data, will the selected respondent have access to the analysis ready data used for that study? What comparative analysis would ESD want the Selected Respondents to provide with the 2016 Disparity Study data?	<p>The 2016 Disparity Study is available at the following link: https://esd.ny.gov/doing-business-ny/mwbe/mwbe-disparity-studies</p> <p>A comparative analysis of the 2016 Disparity Study should include, but not be limited to:</p> <ul style="list-style-type: none"> • MWBE availability • MWBE utilization • MWBE participation • Workforce utilization • Workforce availability • Workforce participation

6	<p>Does ESD desire utilization, availability, and disparity analyses of SDVOB?</p>	<p>ESD's DMWBD does not track SDVOB participation.</p>
7	<p>As stated on page 7, Section IV (B) (3) (b) of the RFP: "The Selected Respondent shall fully define "statistically significant disparity" for the purposes of its analysis, and explain the rationale underlying its definition."</p> <p>Is ESD open to methods of statistical analysis other than or augmenting what was used in the 2016 Disparity Study?</p>	<p>ESD is open to methods of statistical analysis other than or augmenting what was used in the 2016 Disparity Study. Any deviation from, or augmentation of the previously used method must be explained in detail, with an example of application provided.</p>
8	<p>As stated on page 3, Section IV (1), Business Study, of the RFP: "For the Business Study (Part 1), the Selected Respondent shall assess the use of qualified MWBEs and businesses owned by Indian nation or tribe as contractors and subcontractors by the State for (1) construction; (2) construction-related services ("CRS"); (3) non construction-related services, including but not limited to clean/green energy, cannabis, real estate development and technology; and (4) commodities, against availability."</p> <p>Would ESD consider a further breakdown (i.e. by NAICS Codes – already used in the NYS M/WBE Directory) of the disparity analysis?</p>	<p>ESD will consider a further breakdown including but not limited to commodity codes.</p>

9	<p>The Consolidated Laws of New York, Chapter 18, Article 15-A, § 312-A (1) states:</p> <p>“The director of the division of minority and women-owned business development is authorized and directed to recommission a statewide disparity study regarding the participation of minority and women-owned business enterprises in state contracts since the amendment of this article to be delivered to the governor and legislature no later than August fifteenth, two thousand twenty-three.”</p> <p>“Minority group members,” who own and control minority-owned business enterprises, are defined in the Consolidated Laws of New York, Chapter 18, Article 15-A, § 310 (8):</p> <p>“‘Minority group member’ shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:</p> <p>(a) Black persons having origins in any of the Black African racial groups;</p> <p>(b) Hispanic/Latino persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;</p> <p>(c) Native American or Alaskan native persons having origins in any of the original peoples of North America.</p> <p>(d) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.”</p> <p>Will ESD require the Selected Respondent to analyze disparity based on only the four groups of Black, Hispanic/Latino, Native American or Alaskan, and Asian and Pacific Islander, or break out the disparity analysis based on all of the following 13 groups: Black, Mexican, Puerto Rican, Dominican, Cuban, Central American, South American, Native American, Alaskan, Far East Asian, South East Asian, Indian Subcontinent, and Pacific Islander?</p>	<p>To remain consistent with the umbrella groupings outlined within the definitions provided in Article 15, ESD will require the selected respondent to analyze disparity based on the four groups of Black, Hispanic/Latino, Native American or Alaskan, and Asian & Pacific Islander persons.</p>
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